

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14698 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- BUDHUCHAK District- Bhagalpur

BASANT MAHTO, Son of Rajendra Mahto, Resident of Village - Goghatta,
P.S.- Budhuchak, Distt- Bhagalpur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Budhuchak P.S. Case No. 13 of 2020 registered for the offence punishable under Section 304B, 34 of the Indian Penal Code.

As per the prosecution story, the marriage between the petitioner and the deceased lady was solemnized some time in the year 2015. They have got two children out of the wedlock. The allegation is that the petitioner was demanding dowry and for non-fulfillment of the demand he was assaulting the deceased. The informant, who is brother of the deceased, has alleged that when he went to the Sasural of his sister on 06.02.2020, he found that

the dead body of his sister was lying in burnt condition.

Learned counsel for the petitioner submits that in fact the marriage between the petitioner and the deceased was a love marriage but after the marriage the deceased was having illicit relationship with some other persons and for that reason she was ousted from the house. There was a compromise between the parties whereunder they agreed to live together and the compromise was signed on 25.01.2020.

Learned counsel further submits that it is the petitioner who had informed his in-laws about the alleged occurrence in which his wife had hanged herself.

It is lastly submitted that the petitioner is in jail since 16.06.2020 and save and except the family witnesses of the deceased there is no independent witness to support the prosecution.

On the other hand, Mr. Shyameshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Learned A.P.P. points out the kind of injury noticed by the Doctor in the post-mortem report in fact those injuries have been pointed out by the petitioner also in the petition in paragraph '14'. The very first injury is in the nature of ante-mortem injury which was dangerous and grievous to the life in ordinary course of nature and it is shown to have been caused by pressure and

compression of mouth and nostrils by some soft and blunt objects like palm and fingers of assailants. Injury no. 2 has been caused by flame and the cause of death is asphyxia and shock due to anti-mortem smothering.

Considering the facts and circumstances of the case and the kind of injuries which have been suffered by the deceased within the four-corners of the matrimonial home of this petitioner, this Court is not inclined to release the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. The learned trial court is expected to proceed with the trial as early as possible. The prosecution shall cooperate in bringing the witnesses on the date fixed in the matter.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.